

REMARKS

This Amendment is in response to the Office Action mailed February 24, 2005. Claims 1-3, 5-7, and 15-42 were examined in the Office Action, and all were rejected. More specifically, claims 3 and 29 were objected to because of an informality; claims 1, 2, 5-7, and 15-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lei et al. (USPN 6,487,552); and claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lei et al., in view of Monroe et al. (USPN 5,581,765).

Claims 1, 26, and 29 have been amended. No claims have been added. No claims have been cancelled. Claims 1-3, 5-7, and 15-42 are currently pending.

Claim Objections

Claim 3 and Claim 29 were objected to because of informalities. Claims 3, 26, and 29 have been amended to remove the informalities. As such, claims 3, 26, and 29 are now in allowable format.

Claim Rejections

Claims 1, 2, 5-7, and 15-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lei et al. (USPN 6,487,552), hereinafter "Lei." Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lei, in view of Monroe et al. (USPN 5,581,765). Applicant files with this Amendment and Response a declaration under 37 C.F.R. §1.131 ("Rule 131 declaration") to antedate, or "swear behind," the Lei reference thereby removing this reference as available prior art on which to base anticipatory and obviousness-type rejections.

Enclosed herewith is a Rule 131 declaration (Exhibit A) and associated exhibits (Exhibits B, C, D, and E) submitted pursuant to 37 CFR §1.131 to establish the Applicant's conception of the present invention and reduction to practice at least prior to October 5, 1998, the effective prior art date of Lei under 35 U.S.C. § 102(e). More specifically, this new declaration, in combination with Exhibits B, C, D, and E, establishes proof that Applicant invented the object-oriented data processing system and method at least as early as July 18, 1997 and reduced the

Application No. 09/360,440

invention to practice at least as early as August 18, 1998. Consequently, Lei is not prior art under 35 U.S.C. §102(e) and therefore cannot, as a matter of law, be used as a reference for rejecting any claim of the present application under either 35 U.S.C. §102(e) or 35 U.S.C. §103(a).

The merits of the instant rejections and the Examiner's arguments in support thereof are not addressed herein because the attached declarations establish conception and reduction to practice of the present invention at least prior to the effective prior art date of Lei, and therefore render the instant rejections moot. As such, failure of this Amendment to directly address the Examiner's arguments should not be taken as an indication that the Applicants believe the arguments to have any merit. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

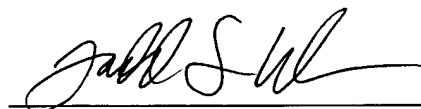
Conclusion

A Petition for an Extension of Time is enclosed herewith, along with our check in the amount of \$120 as payment of the extension fee. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issued need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

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Respectfully submitted,



Tadd F. Wilson
Reg. No. 54,544
Merchant & Gould P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2215
(303) 357-1651